

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LARRY DONNELL BOYD, JR.,
as Special Administrator of the Estate of
LARRY BOYD, deceased,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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Case No. 13-cv-56-JPG-SCW

ORDER

This matter comes before the Court on the motion to dismiss filed by defendant United States of America (Doc. 15). On April 11, 2013, the Court ordered plaintiff Larry Donnell Boyd Jr. to show cause why the Court should not construe his failure to timely respond to the motion to dismiss as an admission of the merits of the motion and dismiss his claims against defendant United States (Doc. 17). Boyd responded that he did not respond to the motion because he does not object to the Court's granting it (Doc. 18). In light of Boyd's response to the order to show cause, the Court **DISCHARGES** the order to show cause (Doc. 17) and, for the reasons stated in the motion, the Court **GRANTS** the United States' motion to dismiss (Doc. 15). Accordingly, the Court **DISMISSES** Boyd's claims against the United States **without prejudice** for failure to exhaust administrative remedies and **DIRECTS** the Clerk of Court to enter judgment accordingly. The Court having been informed that all other claims in this case have been resolved by the state court prior to removal of this case and having found no just reason for delay of entry of judgment regarding Boyd's claim against the United States, judgment shall be pursuant to Rule 54(b).

IT IS SO ORDERED.

DATED: April 15, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
District Judge